

REMARKS

Claims 31-38, 40-46 and 49-72 are all the claims pending in the application; claims 45, 46, 49-52 and 61-68 have been withdrawn from consideration; claims 53, 54, 56-60, 71 and 72 are allowed; claims 31-38, 50, 55, 69 and 70 are rejected; claims 40-44 are objected to.

Applicants respectfully note that the Office Action Summary sheet omits claims 49-52 (withdrawn from consideration) and claim 55 (rejected). Further, paragraph 5 of the Office Action (page 2) should note that claims 53-69 and 60-72 are product claims and under consideration for examination, and that claims 51, 52 and 61-68 are method claims.

Upon entry of the Amendment, claims 31-38, 40-46, 49-68 and 71-72 will be pending.

Support for the amendment of claim 55 to recite “antigen-binding” fragments may be found in paragraphs 66 and 71 of the specification.

No new matter has been added. Entry of the Amendment is respectfully requested.

I. Claim Rejections Under 35 U.S.C. §112

A. At paragraph 15 of the Office Action, the rejection of claims 31-37, 69 and 70 under 35 U.S.C. §112, first paragraph, has been maintained.

The Examiner states that the enablement rejection has been maintained because Applicants have not provided the appropriate language regarding the biological deposits to satisfy the rules regarding deposits. In particular, the Examiner states that assurances that all restrictions on the availability of the deposited materials will be irrevocably removed upon a grant of a patent have not been made.

Applicants respectfully note that a Statement of Availability, with the noted assurances, was filed in the instant application on June 20, 2006. Applicants discussed this issue with the Examiner by telephone to determine whether additional statements are required. The Examiner stated that he had overlooked the Statement filed June 20, 2006, and that the Statement appears to fulfill the requirement.

During the telephone conference, the Examiner also requested that Applicants note in the instant response to the Office Action that in conjunction with the Statement of Availability, Applicants agree that “all restrictions on the availability to the public of the deposited biological materials will be irrevocably removed upon the granting of a patent on this application.”

In accordance with the Examiner’s request, Applicants hereby state that all restrictions on the availability to the public of the deposited biological materials (MJ-170 - accession number PTA-5286; MJ-171 - accession number PTA-5287; MJ-172 - accession number PTA-5288; MJ-173 - accession number PTA-5302) will be irrevocably removed upon the granting of a patent on this application.

In view of the above, Applicants respectfully request reconsideration and withdrawal of this rejection.

B. At paragraph 16 of the Office Action, claims 55 and 70 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

The Examiner states that claims 55 and 70 are unclear for reciting “...a fragment of a recombinant antibody...” because the meaning of the phrase is unclear. The Examiner notes that the claim could be interpreted to mean one amino acid of the antibody.

Included herewith is an amendment of claim 55 to make clear that the claim encompasses “antigen-binding” fragments. Support for the amendment may be found in paragraphs 66 and 71 of the specification.

Also included herewith is an amendment canceling claim 70, thus making the rejection moot with regard to claim 70.

In view of the amendments to the claims, Applicants respectfully request reconsideration and withdrawal of this rejection.

C. At paragraph 17 of the Office Action, claims 69 and 70 are rejected under 35 U.S.C. §112, first paragraph, as lacking adequate written description support in the specification as filed.

Included herewith is an amendment canceling claims 69 and 70, thus making the rejection moot. In view of the cancellation of claims 69 and 70, Applicants respectfully request reconsideration and withdrawal of this rejection.

D. At paragraph 18 of the Office Action, claims 69 and 70 are rejected under 35 U.S.C. §112, first paragraph, as being non-enabled.

Included herewith is an amendment canceling claims 69 and 70, thus making the rejection moot. In view of the cancellation of claims 69 and 70, Applicants respectfully request reconsideration and withdrawal of this rejection.

II. Rejoinder

Applicants reaffirm their request for rejoinder of pending method claims 45, 46, 49-52 and 61-68 upon allowance of the product claims from which they depend.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

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